

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education Nevada State Board for Career and Technical Education

The Nevada State Board of Education/Nevada State Board for Career and Technical Education will hold a public hearing on **June 14, 2016 to be video conference in the Board Room at the Nevada Department of Education Offices, 700 East Fifth Street Carson City Nevada and 9890 South Maryland Parkway, Las Vegas, Nevada.**

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions/repeal of regulations of the Nevada Administrative Code (NAC) 391.

The time for the hearing is scheduled as follows:

9:00 A.M. Public Hearing and possible adoption of Proposed Amendments R 136 - 15, NAC Chapter 391, to provide a definition of "moral turpitude" for the purpose of implementing NRS 391.033 (Issuance of licenses; fingerprinting of applicants; provisional licensure authorized), NRS 391.100 (Employment of personnel by trustees; certain teachers and paraprofessionals required to possess qualifications prescribed by federal law; school district prohibited from requiring licensed employees on approved leave to submit fingerprints as condition of return to employment; exception; school police officers; contract for police services), NRS 391.31297 (Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance), NRS 391.314 (Suspension of licensed employee; dismissal proceedings; reinstatement; salary during suspension or dismissal proceedings; forfeiture of right of employment for certain offenses; period of suspension), NRS 391.330 (Grounds for suspension or revocation of license), NRS 392A.080 (Composition of governing body; appointment; terms; powers; quarterly meetings), and NRS 392A.107 (Fingerprinting of nonlicensed applicants for employment; review of criminal history by Superintendent of Public Instruction under certain circumstances; prohibition on employment of certain applicants).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The purpose of the proposed amendment to NAC Chapter 391 is to define "moral turpitude" for the purpose of implementing NRS 391.033, which relates to the licensure of educators in the State of Nevada. While NRS 391.033 lists a conviction for "any offense involving moral turpitude" as grounds for the denial of an application for an educator license, "moral turpitude" is not defined within either NRS or NAC.
2. The subjects and issues involved in the proposed new regulation are those relating to eligibility for licensure as an educator in the State of Nevada.
3. There is no economic effect of the regulation on the business that it regulates and no impact on the public.
4. The estimated cost to the agency for enforcement of the proposed regulation is none.
5. There is no duplication or overlap of regulations of state of local government agencies.
6. This regulation is not required pursuant to federal law.
7. There is no federal law affecting or overlapping the proposed regulations.
8. The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the, Nevada Department of Education, 700 E. 5th St, Carson City, NV 89701 May 31, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Education/State Board of Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Education, 700 East Fifth St, Carson City, Nevada

89701 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 16 Nevada Public Libraries; both locations; and Nevada State Library and Archives.

**PROPOSED REGULATION OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION**

LCB File No. R136-15

March 16, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 385.200, 386.540 and 386.588; §§4-6, NRS 385.200, 391.033 and 391.100; §§7-9, NRS 385.200, 392A.090 and 392A.107.

A REGULATION relating to education; interpreting the term “offense involving moral turpitude” for certain purposes relating to the hiring and licensing of personnel to work in a public school; prescribing the length of time that a felony or an offense involving moral turpitude will be considered related to a position at a public school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Superintendent of Public Instruction to prescribe regulations for conducting all necessary proceedings for which the Superintendent is responsible. (NRS 385.200) Existing law also requires each applicant for licensure as a teacher or other educational personnel or for the renewal of such a license and each applicant for employment at a charter school or university school for profoundly gifted pupils who does not hold such a license to undergo a criminal background check. (NRS 386.588, 391.033, 392A.107) A license may be granted to the applicant or the applicant may be employed, as applicable, if: (1) the reports on the criminal history of the applicant do not indicate that the applicant has been convicted of a felony or an offense involving moral turpitude; or (2) the reports on the criminal history of the applicant indicate that the applicant has been convicted of such an offense but the Superintendent of Public Instruction determines that the conviction is not related to the position for which the applicant applied or is currently employed, as applicable. (NRS 386.588, 391.033, 392A.107) Existing law also authorizes the board of trustees of a school district to ask the Superintendent of Public Instruction to require a person licensed by the Superintendent who has taken a leave of absence from employment to undergo a criminal background check if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during his or her absence. (NRS 391.100) **Sections 2, 5 and 8** of this regulation prescribe the crimes that are deemed offenses involving moral turpitude for the purposes of issuing a license, employment of an unlicensed person by a charter school or university school for profoundly

gifted pupils or performing a background check on a licensed employee who has taken a leave of absence. **Sections 3, 6 and 9** of this regulation prescribe the length of time that the Superintendent of Public Instruction may consider a conviction for a felony or an offense involving moral turpitude related to a position in a county school district, charter school or university school for profoundly gifted pupils.

Section 1. Chapter 386 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *As used in NRS 386.588, the Superintendent of Public Instruction interprets the term “offense involving moral turpitude” to mean:*

- 1. Any offense of a sexual nature, including, without limitation, a violation of NRS 200.364 to 200.373, inclusive, 200.378, 200.700 to 200.760, inclusive, 201.160 to 201.190, inclusive, 201.210, 201.220, 201.230, 201.235 to 201.254, inclusive, 201.256 to 201.2655, inclusive, 201.295 to 201.450, inclusive, or 201.470 to 201.560, inclusive, or sections 2 to 6.5, inclusive, of Assembly Bill No. 49, chapter 399, Statutes of Nevada 2015, at page 2233.*
- 2. Any offense involving involuntary servitude or trafficking in persons, including, without limitation, a violation of NRS 200.463 to 200.469, inclusive.*
- 3. Any offense of a violent nature, including, without limitation, a violation of NRS 200.010 to 200.300, inclusive, 200.380 to 200.450, inclusive, or 200.471 to 200.490, inclusive.*
- 4. A violation of immigration laws, including, without limitation, 8 U.S.C. § 1325.*
- 5. Unlawful possession or use of a firearm, explosive or other weapon, including, without limitation, a violation of NRS 202.257 to 202.440, inclusive, or 202.750 to 202.840, inclusive.*
- 6. Terrorism, including, without limitation, a violation of NRS 202.441 to 202.449, inclusive.*

7. *Abuse, neglect or endangerment of a child or abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person, including, without limitation, a violation of NRS 200.508 to 200.5085, inclusive, 200.5099, 200.50995 or 201.110.*
8. *Arson, including, without limitation, a violation of NRS 205.010 to 205.055, inclusive.*
9. *Burglary or receipt of stolen property, including, without limitation, a violation of NRS 205.060 to 205.080, inclusive, 205.273, 205.2745 or 205.275.*
10. *Kidnapping or false imprisonment, including, without limitation, a violation of NRS 200.310 to 200.359, inclusive, or 200.460.*
11. *Aiding or harboring a fugitive, including, without limitation, doing so in violation of NRS 195.030 or 199.100.*
12. *Identity theft, including, without limitation, a violation of NRS 205.461 to 205.4651, inclusive.*
13. *Any offense committed under color of authority, including, without limitation, a violation of NRS 197.200.*
14. *Bribery, extortion or coercion, including, without limitation, a violation of NRS 197.010 to 197.110, inclusive, 201.570, 205.320, 205.322 or 207.190.*
15. *Manufacturing, cultivation or distribution of a controlled substance, including, without limitation, a violation of NRS 453.316 to 453.348, inclusive.*
16. *Cruelty to animals, including, without limitation, a violation of NRS 574.100 to 574.120, inclusive.*
17. *Possession of a controlled substance, including, without limitation, a violation of NRS 453.336.*

18. *Contributing to the delinquency of a minor, including, without limitation, a violation of NRS 201.110.*

19. *Fraud, including, without limitation, a violation of NRS 205.2747, 205.330 to 205.460, inclusive, 205.46513 to 205.4657, inclusive, 205.506, 205.520 to 205.810, inclusive, 205.880, 205.900, 205.920, 205.940, 205.950 or 205.960.*

20. *Embezzlement, including, without limitation, a violation of NRS 205.300 to 205.312, inclusive.*

21. *Forgery or counterfeiting, including, without limitation, a violation of NRS 205.085 to 205.217, inclusive, 205.2705, 205.481, 205.492 or 205.965.*

22. *Grand larceny, including, without limitation, a violation of NRS 205.220 to 205.230, inclusive.*

23. *Theft or facilitating theft, including, without limitation, a violation of NRS 205.0821 to 205.0835, inclusive, 205.267, 205.270, 205.2707, 205.2715, 205.860, 205.910, 205.930 or 205.970.*

24. *Driving under the influence of alcohol or a prohibited substance, including, without limitation, a violation of NRS 484C.110, 484C.120, 484C.130 or 488.400 to 488.520, inclusive.*

25. *Petit larceny, including, without limitation, a violation of NRS 205.240.*

26. *Attempt, conspiracy or solicitation to commit any offense listed in this section.*

27. *Any offense that is substantially similar to an offense listed in this section, whether committed in this State or another jurisdiction.*

Sec. 3. *The Superintendent or his or her designee may determine that a conviction of an applicant for any position with a charter school is related to the position for which the*

applicant has applied pursuant to NRS 386.588 if the applicant was convicted of a felony or an offense involving moral turpitude:

1. Regardless of when the conviction occurred, if the conviction is for an offense listed in subsections 1 to 16, inclusive, of section 2 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.

2. Less than 10 years before the date of the application if, except as otherwise provided in subsection 3, the conviction is for an offense listed in subsections 17 to 24, inclusive, of section 2 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.

3. Less than 5 years before the date of the application if the conviction is:

(a) The first conviction of the applicant for an offense listed in subsection 24 of section 2 of this regulation or a substantially similar offense, whether committed in this State or another jurisdiction.

(b) For an offense listed in subsection 25 of section 2 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.

Sec. 4. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this regulation.

Sec. 5. *As used in NRS 391.033 and 391.100, the Superintendent of Public Instruction interprets the term “offense involving moral turpitude” to mean:*

1. *Any offense of a sexual nature, including, without limitation, a violation of NRS 200.364 to 200.373, inclusive, 200.378, 200.700 to 200.760, inclusive, 201.160 to 201.190, inclusive, 201.210, 201.220, 201.230, 201.235 to 201.254, inclusive, 201.256 to 201.2655, inclusive, 201.295 to 201.450, inclusive, or 201.470 to 201.560, inclusive, or sections 2 to 6.5, inclusive, of Assembly Bill No. 49, chapter 399, Statutes of Nevada 2015, at page 2233.*
2. *Any offense involving involuntary servitude or trafficking in persons, including, without limitation, a violation of NRS 200.463 to 200.469, inclusive.*
3. *Any offense of a violent nature, including, without limitation, a violation of NRS 200.010 to 200.300, inclusive, 200.380 to 200.450, inclusive, or 200.471 to 200.490, inclusive.*
4. *A violation of immigration laws, including, without limitation, 8 U.S.C. § 1325.*
5. *Unlawful possession or use of a firearm, explosive or other weapon, including, without limitation, a violation of NRS 202.257 to 202.440, inclusive, or 202.750 to 202.840, inclusive.*
6. *Terrorism, including, without limitation, a violation of NRS 202.441 to 202.449, inclusive.*
7. *Abuse, neglect or endangerment of a child or abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person, including, without limitation, a violation of NRS 200.508 to 200.5085, inclusive, 200.5099, 200.50995 or 201.110.*
8. *Arson, including, without limitation, a violation of NRS 205.010 to 205.055, inclusive.*
9. *Burglary or receipt of stolen property, including, without limitation, a violation of NRS 205.060 to 205.080, inclusive, 205.273, 205.2745 or 205.275.*
10. *Kidnapping or false imprisonment, including, without limitation, a violation of NRS 200.310 to 200.359, inclusive, or 200.460.*

11. *Aiding or harboring a fugitive, including, without limitation, doing so in violation of NRS 195.030 or 199.100.*
12. *Identity theft, including, without limitation, a violation of NRS 205.461 to 205.4651, inclusive.*
13. *Any offense committed under color of authority, including, without limitation, a violation of NRS 197.200.*
14. *Bribery, extortion or coercion, including, without limitation, a violation of NRS 197.010 to 197.110, inclusive, 201.570, 205.320, 205.322 or 207.190.*
15. *Manufacturing, cultivation or distribution of a controlled substance, including, without limitation, a violation of NRS 453.316 to 453.348, inclusive.*
16. *Cruelty to animals, including, without limitation, a violation of NRS 574.100 to 574.120, inclusive.*
17. *Possession of a controlled substance, including, without limitation, a violation of NRS 453.336.*
18. *Contributing to the delinquency of a minor, including, without limitation, a violation of NRS 201.110.*
19. *Fraud, including, without limitation, a violation of NRS 205.2747, 205.330 to 205.460, inclusive, 205.46513 to 205.4657, inclusive, 205.506, 205.520 to 205.810, inclusive, 205.880, 205.900, 205.920, 205.940, 205.950 or 205.960.*
20. *Embezzlement, including, without limitation, a violation of NRS 205.300 to 205.312, inclusive.*

21. *Forgery or counterfeiting, including, without limitation, a violation of NRS 205.085 to 205.217, inclusive, 205.2705, 205.481, 205.492 or 205.965.*

22. *Grand larceny, including, without limitation, a violation of NRS 205.220 to 205.230, inclusive.*

23. *Theft or facilitating theft, including, without limitation, a violation of NRS 205.0821 to 205.0835, inclusive, 205.267, 205.270, 205.2707, 205.2715, 205.860, 205.910, 205.930 or 205.970.*

24. *Driving under the influence of alcohol or a prohibited substance, including, without limitation, a violation of NRS 484C.110, 484C.120, 484C.130 or 488.400 to 488.520, inclusive.*

25. *Petit larceny, including, without limitation, a violation of NRS 205.240.*

26. *Attempt, conspiracy or solicitation to commit any offense listed in this section.*

27. *Any offense that is substantially similar to an offense listed in this section, whether committed in this State or another jurisdiction.*

Sec. 6. *The Superintendent or his or her designee may determine that a conviction of an applicant for any position with a county school district or charter school is related to the position for which the applicant has applied pursuant to NRS 391.033 if the applicant was convicted of a felony or an offense involving moral turpitude:*

1. *Regardless of when the conviction occurred, if the conviction is for an offense listed in subsections 1 to 16, inclusive, of section 5 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.*

2. *Less than 10 years before the date of the application if, except as otherwise provided in subsection 3, the conviction is for an offense listed in subsections 17 to 24, inclusive, of section 5 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.*

3. *Less than 5 years before the date of the application if the conviction is:*

(a) *The first conviction of the applicant for an offense listed in subsection 24 of section 5 of this regulation or a substantially similar offense, whether committed in this State or another jurisdiction.*

(b) *For an offense listed in subsection 25 of section 5 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.*

Sec. 7. Chapter 392A of NAC is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this regulation.

Sec. 8. *As used in NRS 392A.107, the Superintendent of Public Instruction interprets the term "offense involving moral turpitude" to mean:*

1. *Any offense of a sexual nature, including, without limitation, a violation of NRS 200.364 to 200.373, inclusive, 200.378, 200.700 to 200.760, inclusive, 201.160 to 201.190, inclusive, 201.210, 201.220, 201.230, 201.235 to 201.254, inclusive, 201.256 to 201.2655, inclusive, 201.295 to 201.450, inclusive, or 201.470 to 201.560, inclusive, or sections 2 to 6.5, inclusive, of Assembly Bill No. 49, chapter 399, Statutes of Nevada 2015, at page 2233.*

2. *Any offense involving involuntary servitude or trafficking in persons, including, without limitation, a violation of NRS 200.463 to 200.469, inclusive.*

3. *Any offense of a violent nature, including, without limitation, a violation of NRS 200.010 to 200.300, inclusive, 200.380 to 200.450, inclusive, or 200.471 to 200.490, inclusive.*
4. *A violation of immigration laws, including, without limitation, 8 U.S.C. § 1325.*
5. *Unlawful possession or use of a firearm, explosive or other weapon, including, without limitation, a violation of NRS 202.257 to 202.440, inclusive, or 202.750 to 202.840, inclusive.*
6. *Terrorism, including, without limitation, a violation of NRS 202.441 to 202.449, inclusive.*
7. *Abuse, neglect or endangerment of a child or abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person, including, without limitation, a violation of NRS 200.508 to 200.5085, inclusive, 200.5099, 200.50995 or 201.110.*
8. *Arson, including, without limitation, a violation of NRS 205.010 to 205.055, inclusive.*
9. *Burglary or receipt of stolen property, including, without limitation, a violation of NRS 205.060 to 205.080, inclusive, 205.273, 205.2745 or 205.275.*
10. *Kidnapping or false imprisonment, including, without limitation, a violation of NRS 200.310 to 200.359, inclusive, or 200.460.*
11. *Aiding or harboring a fugitive, including, without limitation, doing so in violation of NRS 195.030 or 199.100.*
12. *Identity theft, including, without limitation, a violation of NRS 205.461 to 205.4651, inclusive.*
13. *Any offense committed under color of authority, including, without limitation, a violation of NRS 197.200.*

14. *Bribery, extortion or coercion, including, without limitation, a violation of NRS 197.010 to 197.110, inclusive, 201.570, 205.320, 205.322 or 207.190.*
15. *Manufacturing, cultivation or distribution of a controlled substance, including, without limitation, a violation of NRS 453.316 to 453.348, inclusive.*
16. *Cruelty to animals, including, without limitation, a violation of NRS 574.100 to 574.120, inclusive.*
17. *Possession of a controlled substance, including, without limitation, a violation of NRS 453.336.*
18. *Contributing to the delinquency of a minor, including, without limitation, a violation of NRS 201.110.*
19. *Fraud, including, without limitation, a violation of NRS 205.2747, 205.330 to 205.460, inclusive, 205.46513 to 205.4657, inclusive, 205.506, 205.520 to 205.810, inclusive, 205.880, 205.900, 205.920, 205.940, 205.950 or 205.960.*
20. *Embezzlement, including, without limitation, a violation of NRS 205.300 to 205.312, inclusive.*
21. *Forgery or counterfeiting, including, without limitation, a violation of NRS 205.085 to 205.217, inclusive, 205.2705, 205.481, 205.492 or 205.965.*
22. *Grand larceny, including, without limitation, a violation of NRS 205.220 to 205.230, inclusive.*
23. *Theft or facilitating theft, including, without limitation, a violation of NRS 205.0821 to 205.0835, inclusive, 205.267, 205.270, 205.2707, 205.2715, 205.860, 205.910, 205.930 or 205.970.*

24. *Driving under the influence of alcohol or a prohibited substance, including, without limitation, a violation of NRS 484C.110, 484C.120, 484C.130 or 488.400 to 488.520, inclusive.*

25. *Petit larceny, including, without limitation, a violation of NRS 205.240.*

26. *Attempt, conspiracy or solicitation to commit any offense listed in this section.*

27. *Any offense that is substantially similar to an offense listed in this section, whether committed in this State or another jurisdiction.*

Sec. 9. The Superintendent or his or her designee may determine that a conviction of an applicant for any position with a charter school is related to the position for which the applicant has applied with a university school for profoundly gifted pupils pursuant to NRS 392A.107 if the applicant was convicted of a felony or an offense involving moral turpitude:

1. Regardless of when the conviction occurred, if the conviction is for an offense listed in subsections 1 to 16, inclusive, of section 8 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.

2. Less than 10 years before the date of the application if, except as otherwise provided in subsection 3, the conviction is for an offense listed in subsections 17 to 24, inclusive, of section 8 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.

3. Less than 5 years before the date of the application if the conviction is:

(a) The first conviction of the applicant for an offense listed in subsection 24 of section 8 of this regulation or a substantially similar offense, whether committed in this State or another jurisdiction.

(b) For an offense listed in subsection 25 of section 8 of this regulation, attempt, solicitation or conspiracy to commit such an offense or a substantially similar offense, whether committed in this State or another jurisdiction.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 · Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702) 486-6450
www.doe.nv.gov/Educator_Licensure

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: May 11, 2016

Re: Proposed Adoption/Amendments/Repeal of Regulations/NAC Chapter 391 regarding the definition of "moral turpitude" for the purpose of implementing NRS 391.033

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to regulations to define "moral turpitude" as it applies to licensing educators in the State of Nevada pursuant to NRS 391.033 are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business. The proposed regulations deal only with educator licensure.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; the impact is solely on persons seeking to obtain an educator license in the State of Nevada.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.
5. The revisions of this regulation after its initial drafting were made to define "moral turpitude" for the purpose of implementation of NRS 391.033 and have no effect on small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

STEVE CANAVERO
Superintendent of Public Instruction